

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

COLUMBIA PICTURES INDUSTRIES, INC., et al.

Plaintiffs,

v.

7:06-CV-0229

CINDY CHILDERS,

Defendant.

THOMAS J. McAVOY
Senior United States District Judge

DECISION and ORDER

Plaintiffs commenced the instant copyright infringement action in February 2006. Process was served on Defendant on April 21, 2006. On June 21, 2006, the Clerk entered a default against Defendant. Plaintiffs now move for default judgment. Because Plaintiffs demonstrated that they properly effectuated service upon Defendant and Defendant has failed to appear in this action, Plaintiffs are entitled to judgment as against Defendant on the issue of liability.

In its motion, Plaintiffs seek to impose statutory damages in the total amount of \$6,000, attorneys' fees in the amount of \$2,251.00., and further seek a permanent injunction prohibiting Defendant from further distributing the movies at issue in the Complaint (*Million Dollar Baby* and *Are We There Yet?*) and from otherwise infringing upon Defendant's copyrighted motion pictures.¹

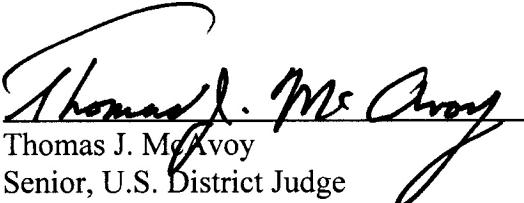
¹ The precise details of the injunction sought by Plaintiffs can be ascertained from their proposed order which was filed as Docket No. 8, part 14.

The amount of statutory damages sought by Plaintiffs are well within those authorized by law. 17 U.S.C. § 504(c) (allowing for statutory damages between \$750 and \$30,000, or up to \$150,000 for willful infringement). Given the facts and circumstances of this case, as outlined in the allegations of the Complaint, the Court finds that the amount sought by Plaintiffs is more than reasonable. Moreover, the Copyright law provides for injunctive relief, see 17 U.S.C. § 502(a), which relief would appear to be appropriate under the facts and circumstances presented. Finally, upon reviewing the application for attorneys' fees, they, too, appear to be reasonable.

Nonetheless, the Court will afford Defendant an opportunity to contest the amount of statutory damages, the extent of the proposed injunctive relief, and the amount of attorneys' fees reasonably incurred. Defendant may do so by filing with the Clerk of the Court an affidavit and memorandum of law challenging the relief sought by Plaintiffs. Defendant must file such papers on or before August 31, 2006. **If Defendant fails to file papers by August 31, 2006, Plaintiff's proposed order which it submitted as Dkt. No. 8, part 14 will be deemed granted without further order of the Court.**

IT IS SO ORDERED.

Dated: August 15, 2006



Thomas J. McAvoy
Senior, U.S. District Judge